

ADVISORY OPINION 98-001

Any advisory opinion rendered by the Registry under subsections (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is rendered. KRS 121.135(4).

March 15, 1998

Representative Jack Coleman
Box 600
Burgin, Kentucky 40310

Dear Representative Coleman:

This is in response to your request for an advisory opinion regarding whether you may receive a contribution from the estates of your deceased father and deceased aunt.

KRS 121.150(6) provides that “[n]o candidate, campaign committee, political issues committee, nor anyone acting on their behalf, shall accept a contribution of more than one thousand dollars (\$1,000) from any person, permanent committee, or contributing organization in any one (1) election; . . .” (emphasis supplied) Although KRS Chapter 121 does not define “person,” the Registry has applied KRS 446.010(26) which defines “person” generally to include “bodies-politic and corporate societies, communities, the public generally, individuals, partnerships, registered limited liability partnerships, joint stock companies, and limited liability companies. (Advisory Opinions 94-007 and 94-012) However, neither decedents nor estates are included in this definition.

Also, KRS 121.150(12) which prohibits a candidate from accepting a contribution from one person in the name of another would preclude you from accepting a contribution from the executor or executrix of an estate. Further, disposition of assets in an estate are subject to the terms of a will or the laws of descent and distribution and

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thus could not be contributed by an executor or executrix. However, if you are a beneficiary under the terms of the decedents' wills, nothing would prohibit you from making an unlimited contribution to your campaign from your share of the assets which will be distributed to you. Likewise, if your sister is a beneficiary of the decedents' estates, she may contribute up to \$1,000.00 from her share of the estates.

Sincerely,

Rosemary F. Center
General Counsel

RFC/db